

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 09-11705-NG

JONATHAN GREEN

v.

CITY OF BOSTON; EDWARD DAVIS,
in his capacity as Chief of
the Boston Police Department;
TIMOTHY MCCARTHY, individually
and in his official capacity
as an Employee, Agent, and/or
Officer of the Boston Police
Department

DEFENDANTS' AUTOMATIC DISCLOSURES
TO THE PLAINTIFF PURSUANT TO LOCAL RULES 26.2(A) AND 26.1(B)

Pursuant to Local Rules 26.2(A) and 26.1(B), and the Parties' Joint Statement Pursuant to Local Rule 16.1, Defendants, City of Boston, Edward Davis, in his official capacity as Commissioner of the Boston Police Department, and Timothy McCarthy, individually and in his official capacity as a Boston Police Officer, hereby make the following automatic disclosures:

A. PERSONS LIKELY TO HAVE DISCOVERABLE INFORMATION

1. Boston Police Officer Timothy McCarthy - arrested the Plaintiff and has first-hand knowledge of the events that led to the arrest, and the manner in which the arrest was executed.
2. Anna Pan, employee of 7-Eleven at 252 West Newton Street - she was a percipient witness to the alleged incident.

3. Chuangen Pan, employee of 7-Eleven at 252 West Newton Street - he was a percipient witness to the alleged incident.

4. Officer Melody Nash - percipient witness who assisted in the Plaintiff's arrest.

5. Officer Stephen Sacilotto- percipient witness who assisted in the Plaintiff's arrest.

6. Jonathan Green - Plaintiff in this civil matter and percipient witness.

7. Commissioner of the Boston Police Department Edward Davis, in his official capacity - has knowledge of all rules and regulations of the Boston Police Department ("BPD") and any policies and/or customs.

8. Registrar of the Boston Police Academy Sergeant Gary Eblan, in his official capacity - has knowledge of the initial and subsequent training received by all members of the BPD, the rules and regulations of the BPD, and the manner in BPD officers are taught to conduct an arrest and the use of force and/or continuum of force elements.

B. DESCRIPTION OF RELEVANT DOCUMENTS/TRANSCRIPTIONS

1. Original Police Incident Report - Complaint No. 070244268.

2. Injured Officer Incident Report - Complaint No. 070244482.

3. Arrest Booking Form and mugshot form.

4. Application for Complaint No. 0701CR002820.

5. Copy of the tape containing the radio transmission call placed by Officer McCarthy on the date of the alleged incident.

C. INSURANCE AGREEMENTS

Not Applicable.

D. EXPERT WITNESSES

Defendants have yet to determine the witness(es) to be called as expert(s) at this trial, but recognize their obligation to supplement this response.

E. SWORN STATEMENT IN ACCORDANCE WITH LOCAL RULE 26.1(B)

Pursuant to Local Rule 26.1(B)(2), the following constitutes a sworn statement by below-signed counsel on behalf of the Defendants:

1. The names contained in Section A, *supra*, constitute all persons presently known to the Defendants and/or its attorneys who were percipient witnesses to the transaction or occurrence giving rise to the claim or who are otherwise known or believed to have substantial discoverable information about the claims or defenses with regard to all claims raised in the Complaint. A statement of the subject and a brief summary of that information is also contained in Section A, *supra*.

F. DEPOSITIONS

Defendant City of Boston will seek to depose the following individuals by July 29, 2011, as agreed to in the *Parties' Joint Statement*:

1. Jonathan Green
2. Any other person, who is not a City of Boston employee, listed in the Plaintiff's automatic disclosures as a person to have discoverable information.

Respectfully submitted,

DEFENDANTS, CITY OF BOSTON,
EDWARD DAVIS, in his official
capacity, and TIMOTHY
MCCARTHY, in his official and
individual capacity

William F. Sinnott,
Corporation Counsel

CERTIFICATE OF SERVICE

I hereby certify that on the date
below the foregoing document was
served upon all counsel of record via
the CM/ECF filing system. I further
certify that any documents or
tangible items listed in this
document will be produced to
Plaintiff's counsel via first-class
mail, postage pre-paid.

6/14/10 /s/ Nicole Murati Ferrer
Dated Nicole Murati Ferrer

By their attorneys

/s/ Nicole Murati Ferrer

Nicole Murati Ferrer
Assistant Corporation Counsel
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